out to them. We must certainly have a set of rules whereby the absolute necessities and the little conveniences that are due to them are allowed. We must certainly have rules to regulate them. From what has been happening during the last one month, and if that is not attempted to be stopped by some fair and honourable means, I am sure that our jails especially the Viyyur Jail will have a few gentlemen to occupy its wards. That being so, it is certainly desirable that at least these little things such as, the supply of lights, to be allowed to have their own clothings, not to have these rings supplied to them, should be allowed to them. Rules to arrange such things must certaily be provided. It cannot also be expected, hearing the Government view of it, that all persons who go there as political prisoners will be considered as special class prisoners. We cannot take it like that. In these circumstances, I would strongly support the motion.

Mr. E. Ikkanda Warriar.—Sir, as regards the number of political prisoners in the jail, I think there are already three convicted and about 30 under-trials. I think, that so far as I know, all of them are not going to defend. So it is only a question of days with the under-trials. It may also be noted that some of them had been there as under-trial prisoners for over a month. The treatment that is meted out to them now is the same, although they had been arrested for the commission of political offences. Anyway I am referring to this only to bring to the notice of the Government the urgency of the matter. In a few days there will be more political prisoners. Unfortunately we have only one District Magistrate and he has so many other works to attend to. It is probably on account of that that there is this delay in getting more persons convicted. Since I know that the Government was very prompt in this matter last time, I feel that my duty is only to bring these grievances to their notice. I am sure they will attend to it. My next request is that they will do it as early as possible. In this hope, I beg leave of the House to withdraw the motion.

Motion withdrwn with leave of the House.

The demand was then put and carried.

3. Law and Justice—Rs. 178.

Mr. K. P. Kannan Nayar.—Sir, I rise to move for an additional grant of Rs. 178 under Law and Justice—Temporary Establishment. Here also I have only to say that the reason for the request is given in the note to the Standing Finance Committee and circulated to the Hon'ble Members. Therefore no special remarks are necessary to commend this grant to the acceptance of this House. I request the House may be pleased to allow the grant.

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Motion No. 1

Mr. George Chakyamuri.—Sir, I beg to move that *the demand of Rs. 178 under Law and Justice be reduced by Re. 1.* In doing so I wish to state that from the objects raised by the Hon'ble Member it is seen that the demand is for two months after the midsummer holidays. From that we presume that the existing arrangements have to be disturbed during the midsummer recess. If that be so, I respectfully beg to state that it will be a move in the wrong direction. And it will be a wrong method of effecting savings. Of course this House almost unanimously voted for salary cuts and this House has committed itself to the policy of retrenchment whenever possible. But retrenchment should be effected only in respect of places where we could effect savings without impairing the efficiency or dignity of our service. (*Hear, hear*). That point was stressed by the Government Members when the other resolution was being discussed in the House. I should respectfully beg to think that this is a place where we could not effect a retrenchment without impairing the dignity and status of the highest Judiciary of the State. The Temporary Judges who have been appointed there, have almost finished hearing one of the biggest cases that has ever come up before our highest Court. Now, if just at this time, they are asked to go back, one of them becomes immediately a lawyer entitled to undertake any brief—I refer to Mr. Achyutha Menon who becomes the Government Advocate and also a lawyer entitled to take private cases. The other reverts back as the District Judge at Trichur. If these two gentlemen after a prolonged hearing of a very important case go back to their respective positions, they will not be in a position to consult each other nor will they be in a position to write the judgment, and dispose of the case. The case about which I am referring is indeed a very complicated one and I am not at liberty to express anything of the case, because the matter is sub-judice. That is a complicated case involving a very large number of records. It is a case which requires mature consideration and consultation. And even in the ordinary course of things, I should presume that the case is one that would require at least a few weeks' consultation between the judges themselves. If that be so, I cannot understand why the Judges should not be allowed the opportunity of the holidays to hold consultations and write judgments as far as this case is concerned. If it be conceded that in the natural course of things, they have to take some time to write the judgment, that time will have to be given to them even after the

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holidays. So that the savings that will be effected will be rather small.

The other point with regard to this fact is about the Government Advocate and Law Officer, who as soon as he is reverted, becomes entitled to get at his clients and look after his own business. If he is to be forbidden from doing that he has to be paid, because we cannot ask him to rot on Rs. 250 only. There is nothing in the Law now which prevents the Government Advocate and Law Officer from taking any brief, even cases he has himself heard. So, that would be placing the Government Advocate and Law Officer in a very awkward predicament.

Then what I have to urge upon the Government is the question of dignity and prestige of the Chief Court. We hear Schoolmasters being thrown out by the end of the year. When the vacation comes, the Hon'ble the Director of Public Instruction throws these teachers away, I hope not through the window, and we are having several complaints from them.

Mr. I. N. Menon.—We will retain some on half-salary.

Mr. George Chakyamuri.—But many are thrown out and we see the poor teachers coming to us and say that they have been thrown out for two months and they are taken back again in the re-opening. Such a thing may not be very bad in a place where they are staffed by thousands. But we are yet to hear persons being thrown out from the highest Judiciary of the State. Probably it is the analogy of the British Courts, where Judges of the Chief Court are appointed for clearing arrears for a specified period and during the holidays they are specially asked to go back. But that analogy would not apply to this State, because these are Judges appointed to hear particular cases and it will be very awkward for the Government to ask them to go back before that work which they have been asked to do is not completed. Of course, I had occasion to raise this point before the Standing Finance Committee. I have stated my reasons, but it was suggested by way of a compromise by the Secretary to the Government that the Judges may be asked to work during the holidays. I would say even that would go a long way to affect the prestige of our State.

Rama Varmha Tampuran.—It was not a suggestion from me.

Mr. George Chakyamuri.—The suggestion was made by the Hon'ble Member for Mulakunnathukavu and we went away with the impression that that would be the position taken up by the Government. Whatever that be, Sir, I would even oppose that position for this reason, that for the sake of making a couple of thousand rupees, we would be looking small in the eyes of

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the world, if we ask them to do duty in the summer holidays. The midsummer vacation has its own purpose. It is for a special purpose that the midsummar holidays are given to the Courts. Two of them, moreover, are persons in the Judicial Department who are entitled to some rest. Mr. Justice Thomas was all along doing duty as the District Judge of Trichur and he is entitled to some rest. Mr. Sahasranama Ayyar also has been doing Judicial work for the last 10 months and so it would not be proper for the Government to ask them to work during the holidays. We should not for a couple of thousand rupees disturb their arrangement during the vacation for which they are entitled to. With these observations I commend the motion to the acceptance of the House as well as the Government.

Mr. K. P. Kannan Nayar.—Sir, the Government have absolutely no idea to see that the dignity of Judges of the Chief Court is affected by the arrangements proposed. When this acting arrangement itself was contemplated the definite idea of the Government was that with reference to these cases, which some of the other permanent Judges were disqualified to hear and dispose of and for which these Additional Judges were apoin ted, they would be in a position at least to dispose of the major portion of the cases that they were asked to hear and dispose of within the time for which they were appointed. That was the definite idea with which the Government appointed these Judges for a definite term and the Government naturally thought that if a large number of cases at their disposal were actually disposed of within that time, with reference to the few remaining cases that may be left over, there would be no harm in appointing them again to dispose of these remaining cases. The idea of the Government was that a definite stage would be reached so far as these cases were concerned. But now unfortunately, the aspect that is now presented before the Government is an entirely different one. The information at the disposal of the Government at present is, that with reference to one of the cases the arguments have not even been finished and that case is likely to take up a few more days to have the arguments finished and if the term of the Judges is to be abruptly terminated and then if they are to be appointed again, they will have to finish the arguments in that case and take up some time more for writing the judgement. So, the present idea of the Government, considering the changed circumstances that are now presented before them, is not to revert them. The Government understand that so far as one case with which they are now engaged is concerned, they may take a few days more even after the vacation tofinish the arguments. I do not think the House will disagree if the Government actually make up their mind to ask

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the Judges, if necessary, to sit up for a few days more and finish the arguments in this case during the vacation and utilise the rest of the vacation period to finish their judgment. That is the present idea of the Government regarding this matter. This House has been pressing that the Government must find its way to find funds by effecting retrenchment by cutting salaries of officers, by doing this or by doing that and the Government naturally thought that the ordering temporary Judges to revert during the vacation would be a method of effecting some retrenchment. In fact the anticipation of the Government was that, if the majority of these cases were finished, the Judges need not be retained during the vacation at all. Now that is not possible under the circumstances. The Government have therefore no idea to disturb them. The House may rest assured that the Government have as much interest in keeping the dignity of the Judges of the highest Court in the land as any of the non-official Members of this House. It should not therefore be taken that there was anything meant in asking for this allotment for a period after the vacation only. The analogy of the school masters does not hold good here. The Government had not entertained any such idea so far as this matter is concerned, so that I do not think it is necessary to say anything further. The motion is practically accepted by the Government

Mr. P. Kumaran Ezhuthassan.—May, I know, if that be the position of the Government, whether they are going to continue the present arrangement, whether the supplementary grant asked for will be sufficient for the expenditure of the whole establishment retained during the holidays? I think it ought to be a bigger amount.

Mr. K. P. Kannan Nayar.—It may be necessary. Of course it was not possible to anticipate all these things when the demand itself was made. Probably so far as that additional expenditure is concerned, Government will have to find out savings and if no savings are possible with reference to the establishment alone, additional allotments will have to be moved. So far as the other establishment, that is, the salary of the officers are concerned, it need not be voted by the House. If it is not possible to meet the establishment charges by any other way, the only other possible alternative is to have recourse to the power of certification and to place a statement for incurring the expenditure under Section 16, Clause 9.

Mr. P. Kumaran Ezhuthassan.—May I know whether the other arrangements consequent upon this will also continue?

Mr. K. P. Kannan Nayar.—I think no answer is necessary. The motion here is with reference to the reversion of the

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temporary Judges of the Chief Court. Whether the other arrangements would continue or not Government will consider.

Mr. George Chakyamuri.—In the light of the assurance by the Government I beg to withdraw the motion.

Mr. P. Krishna Menon.—In the light of the assurance given by the Government, would it not be better to raise the demand, including the amount upon the establishment during this intervening period? Because this 178 rupees is for the period after reopening, what about the amount that will have to be spent from the 16th of Meenam up to the reopening?

Rama Varmha Tampuran.—We can utilise this amount and then again ask for another additional allotment.

The motion was, with the leave of the House, withdrawn.

Motion No. 2.

As the following motion it was not moved was considered withdrawn.

Mr. P. Kumaran Ezhuthassan:—*To reduce the allotment of Rs. 178 under Law and Justice by Re. 1.*

Motion No. 3.

Mr. P. Kumaran Ezhuthassan.—*To reduce the allotment of Rs. 178 under Law and Justice by Re. 1.*

Before moving this cut motion may I know from the Government whether, according to the promise held out by the Government during the last sitting, the Select Committee appointed for considering this has been consulted upon the question of the necessity for a proclamation as was mentioned by me the other day during the last sitting?

Mr. K. P. Kannan Nayar.—The Select Committee has already reported to the Government that a proclamation may be issued pending consideration of the Bill. It is receiving the attention of the Government.

Mr. P. Kumaran Ezhuthassan.—Have the Government decided to issue a proclamation?

Mr. K. P. Kannan Nayar.—It is being considered by the Government.

Mr. P. Kumaran Ezhuthassan.—Since I am told that it is engaging the attention of the Government there is no necessity for me to move the cut motion.

The motion was therefore considered withdraw.

The demand was then put and carried.

4. Sanitation—Rs. 2,800.

Dr. D. Raghavendra Rao.—Sir, I rise to move for an additional allotment of Rs. 2,800 under the head Sanitation—Epidemic Charges.

This amount is required for the entertainment of some additional vaccinators for a period of five months till the end of

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